

BRINDELL A VICTIM OF SUSPICION ONLY, ASSERTS DEFENCE

Littleton Contends No Evidence Shows Extortion
by Labor Czar.

ARONSON IS ATTACKED

Publicity by Lockwood
Committee Said to Injure
Man on Trial.

WHY HE DIDN'T TESTIFY

Jury Likely to Get Case To-day
After Mr. Untermeyer
Sums Up.

The trial of Robert P. Brindell, head of the Building Trades Council, on an indictment charging the extortion of \$5,000 from Max Aronson, garment manufacturer, in connection with the erection of a building for Aronson, is expected to go to the jury to-day after Samuel Untermeyer, chief counsel for the prosecution, sums up and Justice McAvoy, in the Supreme Court, charges the jury.

Mr. Untermeyer questioned the last of his witnesses in rebuttal yesterday morning, and listened for a time to the summation by Martin W. Littleton, counsel for Brindell. Justice McAvoy excused Mr. Untermeyer after the morning session, so that he might consult a physician regarding an asthmatic affection and be in good trim for the task of this morning.

The prosecutor first sought to have John A. Leach, First Deputy Police Commissioner, testify that the dismissal from the police force of Patrolman Stephen Birmingham was not because he was called as a witness in the case of Brindell, for whom he acted as bodyguard and dues collector. Mr. Littleton's objection to such testimony was sustained.

Mr. Untermeyer called Hugh Frayne, general organizer for the American Federation of Labor, to disprove the testimony of John Frayne, a labor delegate, regarding a conversation he had with Mr. Frayne. Ryan had testified that the talk was in 1920; Frayne declared it took place in 1912.

He called William Zaranko, head of the house-reckoning union, rival to Brindell's, to state how many men are in his union, but on Mr. Littleton's objection the witness was not permitted to tell.

To spike the story of Vladimir Fianke that Zaranko's union wanted to join the I. W. W., Mr. Untermeyer called Peter Shepetowski, a member of the Zaranko executive board. He told of a meeting on March 26, 1920, and said no move was made by the board toward such an affiliation.

The last witness was Charles W. Burnes, assistant secretary of the Building Trades Council. Mr. Untermeyer wanted to find out why all "grievance slips" except ones of September 21 and 26, which were used to bolster the Brindell side, were missing. The witness could not answer and was excused.

Mr. Littleton then moved the case be taken from the jury on the grounds of insufficient evidence. This request was denied and after a short recess he began his summing up.

The lawyer for the defence declared the prosecution had "carved and frilled" with the case and had sought to convict Brindell on suspicion rather than evidence. The suspicion was created by the testimony broadcast by the Lockwood committee, he alleged, and then no opportunity was lost during this trial to inject into the testimony reflections on Brindell that had nothing to do with the alleged extortion in question.

Mr. Littleton attacked the character of many of these witnesses and said the testimony of Aaronson himself was vague with regard to the actual payment of the alleged extortion, although he could remember clearly about other visits to the Brindell offices.

Builders' Association Attacks Housing Inquiry

ROCHESTER, N. Y., Feb. 2.—Protesting against "public insinuations of charges" without the "right of immediate defence" the New York State Association of Builders here to-day urged "a thorough, impartial and impersonal investigation of the housing conditions of the State."

BRINDELL'S POWER BELIEVED BROKEN

Concrete Contractor Quits Association Without Fear
of Reprisal.

The Board of Estimate, investigating city contracts, ran across the trail of Robert P. Brindell, czar of the building trades unions, again at its hearing yesterday, and learned, incidentally, that contractors who alleged that they were coerced into Brindell's organization now believe that his power is broken and are getting out.

Joseph Rosenthal, head of the Rosenthal Engineering Contracting Company, testified that at a time when his was the only concrete erecting concern operating independently in Manhattan his company was compelled to join the Masters' League of Cement Workers, a part of the Building Trades Employers Association.

"I had to join the organization," Rosenthal said, "because labor delegates told my superintendent if I didn't we would have to pay fifty cents more a day for laborers. We were an independent concern and the demand was made upon us just as soon as we started work in Manhattan. We were obliged to pay \$125 initiation fee; \$17.50 quarterly, and 2 per cent. of our gross earnings."

Louis H. Cohen, an official of the Rosenthal concern, substantiated the testimony of Rosenthal and said that he represented his company at the league meetings. "For the last two months, or ever since the investigations began," said Cohen, "the chief business of the league has been giving votes of confidence to its executive board. We are getting out."

"You are going to take a chance alone with labor," asked William B. Carwell, Assistant Corporation Counsel in charge of the investigation.

Cohen replied that that was the case and that he believed Brindell's power was broken.

As an illustration of the "protection" which the Building Trades Employers Association gave after he was forced into it, Rosenthal told of having a \$5,000 payroll stolen one Saturday afternoon. On the following Monday when the union leaders on the job were paid off, he said, they demanded pay for having to wait from Saturday until Monday. He said he appealed to the association and the demand was dropped.

\$10 REWARD FOR ST. 'SQUEAL'

The first \$10 reward offered by John P. Leo, Commissioner of Street Cleaning, to members of his staff for information which would expose attempts to bribe drivers or sweepers in performance of their duties to do other work in connection therewith was paid yesterday to John Murray, a driver, living at 417 East Forty-eighth street. His information mentioned Mrs. Pauline Albertson, a storekeeper at 808 Sixth avenue, who, he said, had offered him \$1 to remove trash waste from in front of her premises.

FORD TO IGNORE GEST AND \$5,000,000 SUIT

Comment Refused in Action
Against Paper.

DETROIT, Feb. 3.—Counsel for Henry Ford and editors of the Dearborn Independent declined to comment to-day upon information from Chicago that Morris Gest, theatrical producer, had filed preliminary papers there in a \$5,000,000 damage suit against Mr. Ford and the Independent.

"Mr. Gest will be ignored," said Mr. Ford's private secretary.

The preliminary papers filed in Chicago charged that an article in the Independent, owned by Mr. Ford, contained "libelous, slanderous and false statements" concerning Mr. Gest and certain stage productions he has handled.

WOMAN IN TAXICAB ROBBED OF SABLES

Declares Driver Prevented Her
Attempt to Follow
Thieves.

PUSHED HER INTO CAR

Police Halt Car at Broadway
and 34th Street on
Hearing Screams.

Mrs. Frank L. Talbot, wife of a theatrical producer, stopping at the Hotel Pennsylvania, took a taxicab at Broadway and Forty-eighth street last night and told the driver, James Fox, of 365 Ninth avenue, to drive to the hotel. Instead, Mrs. Talbot said, the man drove rapidly on past the hotel, going west to Ninth avenue.

There two men jumped into the car, pulled off Mrs. Talbot's \$4,000 Russian sable coat, and leaped out. When she attempted to get out and follow them, according to the story she told detectives of the East Thirtieth street station, Fox pushed her violently back in and started the car at high speed eastward. The men with the coat fled west.

Detectives Finn and Foley, who saw Mrs. Talbot waving her arms frantically out of the cab window and heard her screams, stopped the car at Broadway and Thirty-fourth street. Fox, upon being taken to the station house, denied all knowledge of the affair, except that he knew two men had robbed his fare. No trace has been found of the two men or of the coat.

Mrs. Paul Hart, 23 years old, who has been visiting Mr. and Mrs. William A. Swonger, of 276 Davis avenue, Kearny, N. J., and soon to return to her home in San Francisco, was alone in the house yesterday afternoon when a man knocked at the door. As said Cohen, "the chief business of the league has been giving votes of confidence to its executive board. We are getting out."

He opened it, he pushed in, with a question about the sale of the house.

KIDNAPPERS SENT UP FOR MAXIMUM TERM

Life Sentence Behind Bars
Faces Abductors of Mrs.
Witherell on Coast.

DRAMATIC TRIAL SCENE

Husband Tells How Wife
Lived Over Days in Shack
While in Delirium.

Special Despatch to THE NEW YORK HERALD.
LOS ANGELES, Feb. 2.—While their victim was still semi-delirious from her experience Arthur and Floyd Carr, who held Mrs. Gladys Witherell captive in a shack for five days for \$20,000 ransom, were sentenced to-day to prison for terms of from ten years to life. In effect the punishment is a life sentence.

After denouncing the two prisoners and branding their act as more despicable than many crimes for which the punishment is death, Superior Judge Sidney N. Reeve imposed the maximum legal sentence possible under the California indeterminate sentence law. The two prisoners started for San Quentin to-night.

The court proceedings, staged before a record throng of men and women, were featured by two especially dramatic incidents. The first came when O. S. Witherell, husband of the kidnapped woman, took the stand and told how throughout last night Mrs. Witherell relived in delirium the experience of her captivity.

"At times I could hardly hold her in bed, she cried and struggled so," the husband testified.

The husband was questioned by Arthur Carr, one of the prisoners, who asked if she had not stated that he (Carr) had given her medicine and had dressed her wounds.

Witherell said his wife had told him that Arthur Carr apparently had knowledge of osteopathy, that he had massaged a welt on her shoulder and had bandaged a cut back of her knee. The prisoner also drew from the husband statements that the kidnappers had assured Mrs. Witherell she would not be harmed and that she would be restored to her family.

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